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COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 47th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 21 April 1999, at 3 p.m.

Chairperson: Ms. ANDERSON (Ireland)

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The meeting was called to order at 3 p.m.

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS:

(a) TREATY BODIES;

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(agenda item 18) (continued) (E/CN.4/1999/93-97; E/CN.4/1999/NGO/7, 28, 39, 40, 56, 64 and 72)

1. Mr. ÁLVAREZ de MIRANDA y TORRES (Federación Iberoamericana de Ombudsman) said that his organization had been established to ensure inter-institutional cooperation and improved defence of human rights in Latin America, more than half of the Latin American countries being members. Its chief concerns were children who were compelled to work or who were sexually exploited; women who were subjected to maltreatment or discrimination; indigenous minorities who were subjected to poverty; older persons; migrants who were the object of xenophobia; malfunctions of the legal system which encouraged impunity; murders of and other attacks against human rights defenders; and problems of refugees and displaced persons as a result of wars and natural disasters.

2. The organization would adapt to the main concerns that were arising at the end of the millennium and, at its next congress, would devote much attention to older persons, since 1999 was the International Year of Older Persons. On 20 November 1999, the tenth anniversary of the signing of the Convention on the Rights of the Child, it intended to convene a solemn meeting in Madrid on the rights of juveniles which, it hoped, would be attended by the United Nations High Commissioner for Human Rights.

3. Mr. LUIS (International Ombudsman Institute) said that his organization had been in existence for 20 years. It was an international, non-profit-making organization supported by the Law Faculty of the University of Alberta, Canada, and covering six regions of the world. Its membership consisted of 107 Ombudsmen with voting rights, and there were also associate members and honorary members.

4. In recent years it had intervened in defence of the right to life and the right to freedom, as well as economic, social and cultural rights and the rights of older persons. It stood for the weakest and most needy in society who lacked a voice at a time when States were withdrawing from their social commitments.

5. Mr. FITZPATRICK (Asia-Pacific Forum of National Human Rights Institutions) said that, when his organization had been established in July 1996, it had comprised the national human rights commissions of Australia, India, Indonesia and New Zealand. Its inaugural workshop had adopted a declaration setting out the basic principles guiding its work in promoting the development and strengthening of regional human rights commissions. The two key elements underpinning its activities were a

commitment to the United Nations Principles Relating to the Status of National Institutions (the Paris Principles) and a commitment to the universality and indivisibility of human rights. The four inaugural member commissions had subsequently been joined by the national commissions of the Philippines and Sri Lanka.

6. At its third annual meeting, held at Jakarta, Indonesia, in September 1998, the Forum had discussed the effects of the economic crisis on the enjoyment of human rights; regional human rights issues; developments in States engaged in establishing national human rights institutions and developments at the international level relating to the strengthening of national human rights institutions.

7. Among other things, the meeting had requested the United Nations High Commissioner for Human Rights and regional Governments to work towards promoting the integration of human rights into the policies and programmes of the international financial institutions. It had also welcomed the increasing level of technical cooperation aimed at strengthening existing national institutions and assisting the establishment of new ones, agreed to establish an advisory council of jurists to assist in developing regional human rights jurisprudence, and recognized that it was necessary for Governments to address more effectively the needs of refugees and asylum seekers.

8. The meeting had heard from representatives of the Governments of Bangladesh, Fiji, Mongolia, Nepal, Papua New Guinea, the Republic of Korea and Thailand that they were establishing national human rights commissions, the Fijian commission had since been established, and the Government of Malaysia had very recently announced that it intended to establish a commission.

9. Mr. KOCH NIELSEN (Danish Centre for Human Rights), having mentioned that her organization was currently chairing the European Co-ordination Group of National Human Rights Institutions, said that institutions were well established in many European countries and had sufficient domestic funding but that it was a much harder task in countries in transition where material and financial resources were scarce. In many of those countries, the dialogue on human rights was still new and they were working hard to strengthen democracy and the rule of law. All were committed, however, to the Paris Principles.

10. Networks of national human rights institutions had been formed in all regions, and it was of the utmost importance that they be strengthened and supported. It was also important that the Office of the High Commissioner for Human Rights (OHCHR) should enhance its capacity to act as the natural focal point for the national institutions. A constraint on many institutions was a lack of adequate funding and, while that was primarily the responsibility of the State itself, international donors should also be aware of the important role the national institutions played in contributing to the development process.

11. One of the key advisory functions of her own organization in Denmark was to scrutinize draft legislation, receiving relevant bills from the ministries and submitting briefs regarding their compatibility with Denmark's human rights obligations. Generally speaking, the ministries took serious note of the advice given. However, where refugees and migrants were concerned, there

seemed to be some difficulty in adjusting legislation and practice to international human rights standards and legislation had recently been passed which her organization did not consider to be in conformity with international law.

12. Mr. REZAG-BARA (National Observatory for Human Rights of Algeria) said that the Observatory, which had been created seven years previously, had had some notable successes in strengthening Algeria's national mechanisms for protecting human rights. At the same time, Algeria continued to be confronted with the criminal terrorism of armed groups, which committed the most abominable crimes, particularly against isolated and deprived civilian populations. The Observatory denounced them as major violations of human rights but remained vigilant to ensure that the methods used to combat terrorism were developed within the rule of law. In fact, the ordinary legal mechanisms and instruments had been strengthened by the establishment of a Council of State.

13. The best instruments of partnership were the new forms of cooperation and solidarity between the North and South which had emerged in the areas of economic and cultural rights. The Observatory had noted with satisfaction the broadening cooperation and positive exchanges between national institutions which had been evident during the past year at several international meetings and seminars.

14. Mr. DAYAL (National Human Rights Commission of India) said that, once a national human rights commission had established its reputation for independence and integrity, the greatest challenge was how to be worthy of the trust placed in it. In the five and a half years of its existence, the National Human Rights Commission of India had received 120,000 complaints of which 40,000 had been registered in the past 12 months alone; by 31 March 1999, all but 20,000 had been considered and dealt with, and the decisions of the Commission invariably complied with.

15. The most sensitive of its preoccupations related to issues of custodial violence, prison and police reform, acts of violence against Dalits, or scheduled castes and scheduled tribes, and the protection of the rights of women and of minorities. The Commission was deeply involved in efforts to defend the rights of the child and to end child labour: a special project had been devised to deal with that problem as it occurred in India's carpet-weaving belt.

16. The Commission had paid particular attention to the protection of human rights in areas of insurgency and terrorism, and had been gratified to note that the Indian security forces were increasingly complying with its recommendations, furnishing full records of disciplinary proceedings and courts martial when human rights violations had occurred as a result of acts by members of the armed forces.

17. The Commission was also deeply involved in efforts to end bonded labour, in dealing with allegations relating to deaths by starvation, and in improving institutions for those suffering from mental disability. It had undertaken a major advocacy role to ensure better fulfilment of the economic and social rights of the people of India. It had pressed for the rights of the child,

including free and compulsory education up to the age of 14, and was working for the strengthening of basic health-care services for all Indians.

18. In recent months, the Commission had been deeply shocked and pained by attacks on members of the Christian community in certain Indian states. Large numbers of Indians had expressed their outrage, and the Commission took the view that such violence threatened the pluralist character of India and constitutionally guaranteed human rights. It must, therefore, be firmly and promptly checked and adequate measures must be taken by the Central Government and state governments to prevent the recurrence of such tragic events. The Commission had also emphasized that all those responsible must be brought to book.

19. Mr. CASTRO CAYCEDO (Defensoría del Pueblo - Colombia) said that, while there was no State policy of human rights violation, in Colombia, there was equally no State policy to prevent it and the deteriorating situation there was due to the State's inability to protect both human rights and the environment. Violations of international humanitarian law were still being committed by paramilitary groups, guerrillas and, sometimes, the armed forces and the civilian population was caught in the middle. Children under 15 were recruited by the various groups and human rights defenders were threatened and even murdered. In 1998 his office had received 65,686 complaints so the situation was obviously still very serious.

20. The Government had not adopted the recommendations of the international human rights bodies, such as those regarding a national human rights plan, effective measures to prevent displacement, measures to protect human rights defenders, policies to guarantee economic, social and cultural rights, and mechanisms to prosecute and punish offences against international humanitarian law. His own office had submitted 114 human rights recommendations to the Government, but had not even received a reply. He gave a brief account of the many human rights problems encountered in the country, in violation of a number of international instruments.

21. His office was independent of Government, and, despite the scanty resources available to it, was doing its best to protect, promote and publicize human rights throughout Colombia. It maintained a dialogue with guerrillas and self-defence organizations, and was seeking to keep the general public apart from the armed conflict, to which there could only be a political solution. While the Government was clearly seeking a political settlement, the comprehensiveness and unity of the process and the existence of a peace strategy were open to doubt. The proliferation of paramilitary and self-defence groups made the formulation of an integrated State policy increasingly urgent.

22. Mr. DICKSON (Northern Ireland Human Rights Commission) said that his Commission, which had come into being on 1 March 1999, was a product of the Multi-Party or "Good Friday" Agreement reached in April 1998. It was completely independent, was required to report annually to Parliament and was subject to oversight by the United Kingdom's Parliamentary Commissioner for Administration. The Commission was Government-funded but the annual appropriation of £750,000 was equivalent to only about 0.1 per cent of the amount spent on policing Northern Ireland and an increase would be requested.

All Commission members were appointed by the Secretary of State for Northern Ireland on the basis of a competitive selection procedure and were representative of the community in Northern Ireland.

23. The Commission's duties and powers comprised: keeping under review the adequacy of law and practice relating to the protection of human rights; advising the Secretary of State and the Northern Ireland Assembly on measures needed to protect human rights and on the compatibility of bills with human rights; making proposals for rights supplementary to those protected in the European Convention on Human Rights with a view to the enactment of a bill of rights for Northern Ireland; promoting human rights awareness; assisting individuals with proceedings involving the protection of human rights and bringing proceedings itself; and conducting such investigations as it deemed necessary. The Commission would decide, in due course, whether it needed additional investigation powers. It believed that it complied with the Paris Principles and was currently preparing a strategic plan.

24. The Commission believed that all emergency laws in Northern Ireland should be repealed and called on the Government of the United Kingdom to withdraw its derogations from the International Covenant on Civil and Political Rights. It endorsed the recommendation by the Committee against Torture that the special detention centres in Northern Ireland should be closed down. It also agreed with the Special Rapporteur on the independence of judges and lawyers that persons other than members of the security forces should investigate cases where there was prima facie evidence of collusion between the security forces and paramilitary organizations. The investigation into the recent murder of solicitor Rosemary Nelson should be as independent of the Royal Ulster Constabulary (RUC) as was practicable.

25. The Commission would seek better protection for the rights of women and children, especially victims of family violence, greater recognition of the rights of the disabled, homosexuals, ethnic groups, the homeless, the sick and the poor. It would urge the Government of the United Kingdom to accept the right of individual petition under the International Covenant on Civil and Political Rights, the Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of Racial Discrimination. It was very disappointed that the Government had decided against such action in a recent review.

26. He gratefully acknowledged the help that the Commission had received to date from OHCHR.

27. Mrs. SEKAGGAYA (Ugandan Human Rights Commission) said that instability in a neighbouring country had led to an inflow of refugees into Uganda and to cross-border incursions that had resulted in a loss of life and property. Internal problems included urban terrorism, the activities of rebel groups, structural adjustment problems, HIV/AIDS, corruption and restrictions on political parties. On the positive side, human rights awareness was growing and the Government was relatively responsive to criticism by human rights bodies. The universal primary education policy had brought millions of children into the education system. A vibrant civil society exposed State and individual violators of human rights.

28. Her Commission, a constitutional body with powers similar to those of a court, had been established two years previously. It received many complaints of human rights violations which were handled either through mediation and conciliation or through adjudication. The complaints involved people from all walks of life, including ministers. The Commission had held awareness-raising seminars throughout the country in 1998 to explain its role and discuss such matters as children's and women's rights, the rights of the disabled, peace and security, and citizens' civic obligations. Programmes to train human rights teachers were planned. The Commission also visited places of detention and made recommendations on its findings to the authorities.

29. It reviewed bills prior to enactment to make them "human rights friendly". The media were used to disseminate information and the Commission published its own human rights magazine. It would shortly open regional offices and hoped that decentralization would enhance its investigative and complaint-receiving mechanisms. However, violations of economic, social and cultural rights, which affected the poor as the largest and most vulnerable section of society, were difficult to remedy. The Commission was financed by the Government but needed additional funds from donors.

30. Uganda's human rights record would improve rapidly if the international community wrote off its huge foreign debt, assisted the Government with technology to fight urban terrorism, subsidized the drugs used to treat HIV/AIDS, helped the Government and rebel groups to reach a negotiated settlement, halted sales of weapons to armed groups and supported capacity-building for law-enforcement agencies.

31. Mr. PITYANA (South African Human Rights Commission) said he hoped that a mechanism would be found to enhance the participation of national institutions in United Nations forums in such a way as to acknowledge their separate status and independence from State delegations.

32. The Second Conference of African National Institutions for the Promotion and Protection of Human Rights, co-sponsored by the OHCHR, had brought together some 120 representatives of national institutions and Governments at Durban, South Africa, in July 1998. The Conference had adopted the Durban Declaration, which called for the establishment of additional national institutions based on the Paris Principles and affirmed that the best environment for a human rights culture was a thriving participatory democracy with an independent judiciary and good governance. It urged the African States to develop national action plans and called for a system of mutual assistance and networking among human rights institutions to enhance the visibility of human rights defenders.

33. In October 1998, the African Commission on Human and People's Rights had given national institutions the status of "affiliate institutions".

34. The first Organization of African Unity (OAU) Ministerial Conference on Human Rights had just ended in Mauritius with the adoption of a Declaration and Plan of Action which recommended the establishment of independent national institutions with adequate funding. States attending the Conference had

announced the establishment or the enactment of legislation for the establishment of 10 new institutions. He urged the OHCHR to provide them with the requisite technical assistance and support.

35. South Africa had adopted a National Action Plan for Human Rights in 1998. The drafting of the plan had involved sustained reflection on human rights and the forging of links between the Government and civil society. A National Consultative Forum on Human Rights, chaired by the Ministry of Justice, would ensure better coordination within the administration on human rights policy and practice.

36. His Commission planned to establish a national centre for human rights education and training as a contribution to the United Nations Decade for Human Rights Education. A campaign to enhance the independence of national human rights institutions had received judicial endorsement in a recent Constitutional Court decision. The South African Parliament had commissioned a study on how parliamentary procedures could be adjusted to accommodate direct reporting and budgetary arrangements for independent institutions.

37. Mr. DAHAK (Consultative Council for Human Rights of the Kingdom of Morocco) said that the Council comprised representatives of political organizations, trade unions, legal and scientific bodies, professional associations and other components of Moroccan society. By virtue of its objectivity and commitment to dialogue and tolerance as well as the systematic endorsement of its views and proposals by King Hassan II, the Council had, since its establishment nine years previously, made considerable progress in promoting basic freedoms and strengthening human rights safeguards. It had brought about the release of all prisoners of conscience and most prisoners whose crimes had been committed for ideological motives, even those convicted of violent acts. The King had also amnestied or commuted the sentences of all prisoners facing the death penalty.

38. The Council had held a symposium in 1998 with the Moroccan National Press Association on freedom of the press and professional codes of conduct. Morocco had hosted the first meeting of national institutions for the protection and promotion of human rights in Mediterranean countries, which had been attended by the High Commissioner for Human Rights. In cooperation with the National Observatory for Children's Rights, the Council had organized a symposium on the rights of the child in Morocco, the first in a series of such events. In conjunction with the Ministry for Human Rights, it had held a symposium on the rights of migrants.

39. The Council had studied the lists of missing persons drawn up by domestic and foreign organizations and had been able, in most cases, to ascertain the circumstances of their disappearances. Some had died and some were still living, in the country or abroad. International standards governing enforced disappearances were applicable in some but not all cases. The Council had proposed the establishment of a special arbitration body to award compensation to the victims or their relatives.

40. Mr. GNONDOLI (National Human Rights Commission of Togo) said that his Commission had been established in 1987 and restructured in line with the Paris Principles in 1996. It investigated complaints and allegations of

violations of human rights and freedoms. Unannounced visits were made to places of detention throughout the country. It also organized seminars, international meetings, workshops and human rights awareness campaigns.

41. In November 1998, the Government had made human rights teaching compulsory in educational establishments and, in December, the Commission had organized public lectures in schools and teacher training and civil service colleges on the Universal Declaration of Human Rights. In cooperation with the Strasbourg International Institute of Human Rights, the Commission planned to hold a subregional human rights training seminar at Lomé towards the end of 1999.

42. As part of its policy of catering for such priority groups as children and women, the Commission was involved in the mid-term evaluation of the cooperation programme for child promotion and protection developed by the United Nations Children's Fund (UNICEF) and the Government of Togo. It had attended the first and second conferences of African human rights institutions and the third such conference was to be held at Lomé in the year 2000.

43. Although the interdependence of civil and political rights and economic, social and cultural rights was generally recognized, enjoyment of the latter set of rights lagged far behind, especially in countries where the basic conditions for economic and sociocultural development were lacking.

44. Mr. SIDORI (Human Rights and Equal Opportunity Commission of Australia) said he welcomed the high priority accorded by the High Commissioner for Human Rights to the establishment of national human rights institutions and acknowledged the important role played by the Voluntary Fund for Technical Cooperation. He commended the Governments, including the Government of Australia, which had contributed to the Fund.

45. To operate effectively, national institutions must comply fully with international standards. The Paris Principles were particularly important as an internationally endorsed benchmark. They provided credibility, ensured integrity and provided the type of status that warranted full participation in the proceedings of the Commission on Human Rights and of other forums. The Coordinating Committee of National Institutions had begun to confront the issue of monitoring compliance with the Paris Principles by implementing an accreditation process. The accreditation subcommittee was meeting that week to assess applications from national institutions.

46. National institutions that complied with the Paris Principles were independent and non-partisan. They possessed comprehensive local knowledge and could provide States with valuable advice on their human rights commitments and requirements without seeking to dictate to them. Thus in 1998, the Australian Federal Government had proposed some amendments to legislation concerning native title in Australia. His own organization had expressed the view that they were racially discriminatory and hence in breach of the country's treaty obligations. Unfortunately, its opinion had been ignored and the amendments had been passed. Then, in March 1999, the Australian Government had been shocked when the Committee on the Elimination of Racial Discrimination had found the amended Act to be discriminatory. The moral was that States ignored the advice of their national human rights

institutions to their own detriment and at the cost of violating the human rights of their people. National institutions were well versed in the requirements of the international human rights treaties.

47. Ms. FALARDEAU-RAMSAY (Canadian Human Rights Commission) said that the highlight of the celebrations of the fiftieth anniversary of the Universal Declaration in Canada had been the adoption of the Edmonton Declaration calling on all States to sign or ratify the international human rights instruments, to implement them and to introduce human rights legislation. Constant vigilance was required to protect existing rights and to promote those of women, members of racial or religious minorities, aboriginal peoples, handicapped people, the victims of war and the poor everywhere.

48. That was why national independent human rights mechanisms were needed in every country. She urged the delegations of countries which already had such institutions to ensure that they had the powers and resources to promote internationally recognized human rights. They could not do so on their own: active non-governmental organizations (NGOs), a free press and a functioning judiciary, as well as the commitment of the various members of civil society, were prerequisites for a human rights culture - but they had a unique contribution to make: they had the power to undertake an independent review of government action and to propose solutions. That was naturally difficult for Governments to accept, but their willingness to do so was an indication of their commitment to international human rights standards. To be effective, national institutions should adhere to the Paris Principles, which should also be borne in mind by any country wishing to establish a human rights institution.

49. Mr. BETTATI (Consultative Commission of Human Rights of France) said that his Commission, an independent body with representatives drawn from every sector of French society, had the power to take up cases on its own initiative, which it exercised extensively. Established in 1947, its first task had been to prepare draft articles for the Universal Declaration of Human Rights.

50. At the fiftieth anniversary celebrations of the Declaration in Paris national human rights institutions had unanimously adopted a manifesto on the universality and indivisibility of human rights respect for which was - everywhere and in all circumstances - incumbent both on those in authority and on individuals. The manifesto emphasized the supreme importance of human rights NGOs and expressed support for human rights defenders. The national institutions in question had solemnly committed themselves to work for human rights and to exert pressure on the Governments to sign, ratify and implement the international instruments.

51. More and more countries were establishing national human rights institutions and that was very encouraging. However, it was necessary to improve their status in the Commission so that, by the year 2000, they would be able to play their full part in every aspect of its work.

52. Ms. ROCCATTI (National Commission for Human Rights of Mexico) said that, in accordance with the law, the Commission and its 32 branch offices publicized human rights violations by State agents and authorities and

followed up on the recommendations they made until they were implemented in full. That was a clear demonstration of the Commission's battle against impunity and of the authorities' commitment to the rule of law. The Commission's recommendations, backed up by hard evidence, appeared in two publications which were distributed worldwide.

53. Since 1991 the Commission had participated in the various international workshops of national institutions and, in November 1997, had played host to the fourth such workshop in Mérida, where it had been agreed that OHCHR should be asked to ensure that the national institutions were granted a status enabling them to participate in the human rights forums of the United Nations system, independently of Government delegations. The result would be greater cooperation and communication between the institutions, enabling them to adopt common criteria and positions, particularly through the Coordinating Committee of National Institutions. Her own organization had been an active participant in the work of the Commission on Human Rights since 1993.

54. Mr. NFOR GWEI (National Commission on Human Rights and Freedoms of Cameroon) said that much had been done to strengthen his Commission, which the Government was reorganizing to include representatives of sectors of society not hitherto represented. Three senior level employees had been added to the existing staff, with the assistance of the Canadian Government, which had also provided computers, and the possibility of establishing branches in various towns was being explored. The fiftieth anniversary of the Universal Declaration of Human Rights had provided an opportunity to raise public awareness in Cameroon and the Commission had played an important role in the coordinating committee set up by the President to plan celebrations at both the national and provincial level. Seminars, workshops and a variety of media spots had been organized. Children had attended parliament and had questioned the Prime Minister and members of parliament about human rights.

55. He himself, as Chairman of the National Commission, served on the ad hoc committee for the fight against corruption and voiced the Commission's concerns regarding the human rights issues involved. He had also been appointed Chairman of the Sectorial Committee dealing with the participation of citizens in the management of public affairs, as part of a national programme on good governance.

56. The Commission continued to investigate complaints of alleged human rights violations and paid unscheduled inspection visits to police detention cells, prisons and hospitals. In 1998, it had received a total of 1,340 complaints, the highest number to date. It had worked successfully with law enforcement officers to secure the release of a number of victims of arbitrary arrest, detention and torture. It had also managed to persuade the competent authorities to provide medical care for some prisoners. In December 1998, it had organized a workshop on improving conditions of arrest and detention, with financial assistance from the French Mission for Cooperation and Cultural Action.

57. Interethnic conflicts stemming from land disputes constituted a growing area of human rights investigation. The Commission was also dealing with an increasing number of refugees in the country. It worked closely with national

NGOs and with international agencies. Its main problem was the lack of adequate human, financial and material resources. Any assistance received would do much to foster its work.

58. Lastly, he made an urgent appeal for international assistance to mitigate the effects of a volcanic eruption that was currently taking place in Cameroon.

59. Mr. PEÑATE POLANCO (Procuraduría para la Defensa de los Derechos Humanos, El Salvador) said that his organization undertook educational and promotional activities but also drew attention to human rights violations. There the situtions had improved: enforced disappearances no longer occurred; summary executions and arbitrary political killings still took place but only in isolated instances and not on the massive and systematic scale of the past. When they did occur, however the perpetrators still went unpunished and that was a matter of concern. Human rights protection and monitoring had been strengthened and the public was making increasing use of the mechanisms for the protection of their rights. The trend must be encouraged to stiffen resistance to those sectors of society which sought to maintain an arbitrary and discriminatory use of the law.

60. Despite the advances made, the situation with regard to economic, social and cultural rights was unsatisfactory. A single department of his organization had received over 500 complaints of alleged violations in 1998. All rights were important: poverty, ignorance and disability were forms of violence as cruel as premeditated murder. His organization therefore aimed to promote a dialogue between the different social sectors and urged the Government to adopt measures to promote development alongside human rights.

61. An educational programme had been launched, dealing with every aspect of human rights, in an endeavour to eliminate armed conflict and social antagonism. Training courses had been held for those in public positions and media campaigns launched over the past six years. Human rights education had been introduced into the curriculum at all levels, following a cooperation and coordination agreement between his organization and the Ministries of Education and Justice. In that connection, he was grateful for the financial assistance provided by a number of Governments and United Nations agencies.

62. Ms. NAVARRETE-RECIÑA (Philippines Commission on Human Rights) said that with the creation of her Commission in 1987, human rights education in the Philippines had become multisectoral and multidimensional. Beginning with a programme for the police and the military, the Education and Training Office had undertaken a broader-based initiative of developing programmes for academics, special interest groups, professionals and even insurgents. In 1994, it had defined its plan of action for the United Nations Decade for Human Rights Education, with the aim of ensuring that all Filipinos were aware of their basic civil, political, economic, social, cultural and environmental rights and familiar with the system of redress. To that end, programmes had been developed to train the trainers, introduce human rights into the curriculum at every level, develop mass education systems and information materials, monitor the implementation of programmes and organize multidisciplinary discussions of human rights issues. Nationwide consultation exercises had been conducted on human rights education.

63. Her Commission also endeavoured to strengthen its relationship with groups both within and outside the Government, as well as with other national institutions in the Asia-Pacific region. In September 1999, the Commission was to host the fourth annual meeting of the Asia-Pacific Forum of National Human Rights Institutions which would address such issues as complaints investigation, the collection and dissemination of human rights jurisprudence, Websites and video exchange to support the national institutions, the sexual exploitation of children and discrimination against women.

64. Mr. DRISS (High Commission for Human Rights and Fundamental Freedoms in Tunisia) said that national institutions needed greater support from Governments and NGOs if they were to strengthen their efforts to implement the international human rights instruments.

65. In March 1999, Tunisia had observed the forty-third anniversary of its independence by enacting legislation to reduce the maximum time of administrative detention from 10 days to 3 and to require that family members must be informed of the detainee's legal rights. The Criminal Code had been amended to reflect the country's ratification without reservation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and other measures were contemplated.

66. In recognition of the indivisibility of civil, political, economic, social and cultural rights, a programme of loans for projects implemented by young people had been established. The Commission was doing its part by issuing reports and had organized a symposium on the situation of human rights in the world and in Tunisia to commemorate the fiftieth anniversary of the Universal Declaration.

67. Mrs. JEFFERIES (Human Rights Commission of New Zealand) welcomed the "building-blocks" approach to the development of human rights in the Asia and Pacific region and said that her Commission was committed to assisting the New Zealand Government to achieve the stated goals in New Zealand itself throughout the region. During 1998, the Commission had reported to the Government on inconsistencies between national legislation and policies and various international human rights instruments, work that would provide an excellent basis for the development of a national human rights plan of action.

68. While human rights education was not yet part of the New Zealand school curriculum, educational materials and training in the area of human rights had been developed during the past year with a view to introducing human rights education into the school in 1999.

69. Her Commission was an active member of the Coordinating Committee of National Institutions, whose work reflected the maturing of national institutions. She welcomed the establishment of human rights commissions in Fiji and Northern Ireland and their impending establishment in Mongolia, the Republic of Korea, Nepal, Bangladesh and Thailand.

70. One of the building blocks for developing human rights in the region was improved delivery of economic, social and cultural rights. The International Covenant on Economic, Social and Cultural Rights and the Declaration on the

Right to Development constituted the best statements of adequate living standards, and it should be recalled that there were needy and vulnerable pockets of population even in the most developed states.

71. Mr. NWOKEDI (National Human Rights Commission of Nigeria) said that his Commission was empowered to monitor and investigate alleged violations of human rights and make appropriate recommendations to the Government as well as to assist the victims of violations and seek appropriate remedies on their behalf. When complaints were ruled inadmissible on procedural grounds, the Commission informed complainants of the steps required for their consideration.

72. One main area of the Commission's work had been the inspection of prisons throughout the country. An interim report had been submitted to the Head of State setting out the deplorable conditions in prisons to be corrected. The Government had responded swiftly by setting up committees on prison reform and decongestion and by allocating significant resources for prison reconstruction.

73. Promotion of awareness of human rights through the publication in collaboration with local NGOs and universities of human rights literature, which had been attended by representatives of all sectors in the criminal justice system, academia and NGOs, had helped to put prisons and police to the organization, with the cooperation of the various penal institutions of the sub-Sahara region, a workshop on human rights and the prison system in Nigeria. A similar type of workshop was also being developed to train specific groups, such as police officers and their responsibilities in that area under international human rights instruments.

74. Mr. CHIROMBO (International Service for Human Rights) said that the dynamic interplay between the states, the private sector and voluntary associations and international organizations had brought about substantial political changes in Indonesia at long last. Indonesia's participation in this had given rise to a transitional period that was expected to culminate in the holding of free and fair general elections in June 1999. Consequently, a strong task was ahead to institutionalize the necessary democratic reforms.

75. Steps in that direction included ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the forthcoming ratification of the International Convention on the Elimination of Racial Discrimination. The People's Consultative Assembly had issued a human rights charter and developed a five year national human rights action plan, and a new National Human Rights Commission Bill was before parliament. Despite the achievements of the past year far exceeded those of the previous 32, much still remained to be done.

76. A peace agreement had been reached on that very day between the parties to the conflict in East Timor under the auspices of the National Human Rights Commission, and a commission for peace and stability was to be formed to implement that agreement. An expanded independent commission for human rights and peace would also be established in the territory to facilitate disarmament and reconciliation and consider the future political status of the area.

77. Regional human rights mechanisms in the Asia-Pacific region continued to operate successfully, and the establishment of national human rights institutions in Malaysia and Thailand, and the plans to do so in other countries of the region were welcome.

78. Mr. SOMOL (Observer for the Czech Republic) said that, in August 1998, his Government had issued a policy statement that had included a commitment to developing a mechanism to monitor the situation of human rights in the country and, in September 1998, the post of Government Representative for Human Rights had been created. To commemorate the fiftieth anniversary of the Universal Declaration, his Government had adopted measures to support efforts to implement international human rights instruments, respect the standards of customary international law in the field of human rights and guarantee the human rights of Czech citizens and other persons under the jurisdiction of the Czech Republic.

79. While his country had acceded to the most important international human rights instruments, it had not consistently monitored their implementation, and the public had not been given much say in the monitoring process. As a result, country reports to human rights treaty bodies had often been one-sided and sought to cover up the Government's failings. To remedy that situation, the Government had, in January 1999, established the Human Rights Council, an advisory body chaired by the Government Representative for Human Rights and made up of an equal number of government and non-governmental representatives. The Council's primary mission was to monitor the situation of human rights in the country and to transmit to the Government comments and proposals aimed at improving that situation. NGO participation in the work of the Council would ensure that the voices of disadvantaged, marginalized and at-risk groups were heard.

80. While discrimination in any form was banned by the Constitution and international treaties to which the Czech Republic was a party, the Government was aware that discrimination still occurred in a number of areas and particularly in the labour market. Accordingly, in December 1998, the Government had ordered all its members and the senior officers of government agencies to focus on eliminating discrimination from their areas of competence, with special regard to the country's commitments under the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Convention on the Elimination of All Forms of Racial Discrimination.

81. Mr. LIYANAGE (Asian Legal Resource Centre) said it was important that national institutions should live up to civil society's expectations. The international community must therefore help them develop so that they could win the public's confidence and promote and protect human rights locally, rather than enhance the image of Governments abroad.

82. One problem in developing those institutions was the general inability to apply international jurisprudence to local situations. In some countries, obsolete legal cultures prevailed which accommodated torture and other human rights violations as necessary components of the criminal investigation system. To address that situation, national institutions needed to confront those cultures and introduce international human rights law. The leaders of

national institutions must be educated in that law and be deeply committed to promoting it, for a high level of commitment could yield results even when institutions had limited mandates or faced other legal impediments.

83. Even with adequate mandates and resources, several national institutions in Asia had not performed very well, perhaps as a result of ingrained thinking patterns, limitations imposed by the domestic legal system, and the level of competence of their officers. He therefore recommended that national human rights legislation should reflect the need for adequate consultation with NGOs and for adequate financial resources. The international community must encourage countries to select persons with appropriate skills who were committed to promoting international human rights law and practices and the staff must be provided with in-depth training in those matters. Lastly, the international community must review the practices of the national institutions and take appropriate steps to improve them.

84. Mr. MAGO (Asian Cultural Forum on Development) said that few national institutions met the standards set by the Paris Principles. In India, the National Human Rights Commission was unable to investigate abuses committed by the armed forces, and the Government had failed to take action on situations the Commission had brought to its attention. In Nepal, the Parliament had adopted a bill to establish a national human rights commission but no members had been appointed. The Government of Bangladesh had chosen not to create a human rights commission, preferring to appoint an ombudsman with an unspecified mandate. The work of the Asia-Pacific Forum of National Human Rights Institutions, and particularly the establishment of an Advisory Council of Jurists, was thus welcome.

85. The annual workshops on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region had produced few results over the years, and the new "building-blocks" approach was therefore welcome. It was to be hoped, however, that the forthcoming meeting on national action plans would allow for the full participation of NGOs.

The meeting rose at 6 p.m.